

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE (a pseudonym) and MARY DOE
(a pseudonym),

Plaintiffs,

-against-

MARKEL, EVANSTON INSURANCE
COMPANY,

Defendant.

Index No. 1:24-cv-09670-VSB-KHP

DEFENDANT’S NOTICE OF MOTION FOR SANCTIONS

PLEASE TAKE NOTICE that Defendant Evanston Insurance Company, improperly named in this action as Markel, Evanston Insurance Company (“Evanston”), respectfully moves this Court, before the Honorable Vernon S. Broderick, United States District Judge of the United States District Court for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 518, New York, New York, 10007, on a date and time designated by the Court, for an order granting sanctions pursuant to Fed. R. Civ. P. Rule 11 against Darren Epstein, Esq. of Epstein Legal Services, P.C. (“Plaintiffs’ Counsel”).

PLEASE TAKE FURTHER NOTICE THAT this Motion is ripe for filing as, on February 26, 2025, Evanston served Plaintiffs’ Counsel via email and first class mail with a letter providing the notice required by Rule 11(c)(2), explaining that Plaintiffs Complaint and Motion for Remand in this action violates Rule 11(b) and attaching Evanston’s Draft Notice of Motion and Draft Memorandum of Law in Support of this Motion for Sanctions and, although more than 21 days have passed, Plaintiffs’ Counsel has not withdrawn the challenged Complaint or Motion to Remand.

PLEASE TAKE FURTHER NOTICE THAT this Motion is brought on the grounds set forth in the accompanying Memorandum of Law in Support of Defendant's Motion for Sanctions, the Declaration of Evan Shapiro with supporting exhibits, and all other pleadings and proceedings herein.

Dated: March 21, 2025
New York, NY

Respectfully submitted,

SKARZYNSKI MARICK & BLACK LLP

/s/ Evan Shapiro

Evan Shapiro, Esq.
One Battery Park Plaza, 32nd Floor
New York, NY 10004
Tel: 212-820-7700
Fax: 212-820-7740
Email: eshapiro@skarzynski.com

*Attorneys for Defendant Evanston Insurance
Company*

CC: All Counsel of Record via ECF